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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/210,892	12/16/1998	YOSHIAKI SHUTO	614.1933	7847

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EXAMINER

HAVAN, THU THAO

ART UNIT	PAPER NUMBER
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3691

DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/210,892

Applicant(s)

SHUTO, YOSHIAKI

Examiner

Thu Thao Havan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8, 16 and 17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 16-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**Detailed Action**

***Response to Amendment***

Claims 1-8 and 16-17 are pending. This action is in response to the amendment received August 8, 2006.

***Response to Arguments***

Applicant's arguments with respect to claims 1-8 and 16-17 have been considered but are moot in view of the new ground(s) of rejection.

**Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims **1-8** and **16-17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Srinivasan et al. (US 5,548,506) in view of Lortz et al. (US 6,041,364).

Re claims **1** and **16-17**, Srinivasan teaches a method of constructing a software system in a computer connected to a center via a network (fig. 1; abstract), comprising:  
storing an information about development situations, know-how, and knowledge in a solution bank at the center by a unit of a solution pattern, the information including

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software components of a default software system (col. 7, lines 13-20; figs. 1 (elements 10 and 20) and 2-9); and

downloading contents including the software components of the default software system corresponding to a desired software system and constructing the desired software system (col. 5, line 40 to col. 6, line 24; fig. 10). Srinivasan discloses Auto Multi-Project Server. It is to act as an automated computer based project coordinator to manage the goals of multiple organizational work-teams. He discloses a self-running software system running on a central server computer system with capabilities for automatic data compilation, tracking and management, handle multiple projects, resolve inter-project resource conflicts and communicate with users via electronic mail or fax mail.

However, Srinivasan does not explicitly teach install the default software system in the computer and customizing the default software system. On the other hand, Lortz discloses install the default software system in the computer and customizing the default software system when he discloses installing the device and notifying software sequences of the connection of the device and identifying the default software component to use with the device for the software category (col.6, lines 41-67; col. 8, lines 1-38; figs. 1-3). He discloses a Match Tree and a Device Tree for installing the device and notifying software sequences of the connection of the device. He also discloses a default software component to use for each associated software category is also added (i.e. customize) to the Device Tree. Thus, it would have been obvious to one of ordinary skill in the art to install and customize the default software system in the computer to

handling installing of additional software to personalize the software system as discloses in Lortz.

Re claim 2, Srinivasan teaches solution bank stores information on an application environment including proposals, designs, software, know-how, and a programming environment (col. 7, lines 35-45).

Re claim 3, Srinivasan teaches accessing the solution bank based on information including a business model, transaction forms, and a project size; and selecting items of desired information from items presented by the solution bank (fig. 10).

Re claim 4, Srinivasan teaches accessing the solution bank based on information including a solution pattern, a machine being used, a product being used; and supplying an application environment of a default system from the solution bank to the computer in which the desired system is to be constructed (col. 6, lines 17-57).

Re claim 5, Srinivasan teaches supplying design documents of the default system from the solution bank to the computer in which the desired system is to be constructed (col. 7, lines 13-20).

Re claim 6, Srinivasan teaches solution bank provides a solution pattern categorized according to a business-transaction model which is requested by the computer in which the desired system is to be constructed (figs. 5 and 9).

Re claim 7, Srinivasan teaches solution bank provides only a partial function of a solution pattern for the computer in which the desired system is to be constructed (col. 7, lines 55-61). Srinivasan discloses changed and updated information as partial function of a solution pattern for the computer.

Re claim 8, Srinivasan teaches checking components incorporated into a default system which is used as a basis for the desired system; and utilizing the checked components for a computer in which another system is to be constructed (col. 7, lines 13-20).

### Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The examiner can normally be reached on Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct-uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

TTH  
10/26/2006



HANI M. KAZIMI  
PRIMARY EXAMINER